IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26627 of 2007(T)

PETITIONER:

MUHAMMEDALI.A.P., S/O.IBRAHIM, ARIYAN
PARAMBATH, POONOOR, UNNIKULAM P.O.,
KOZHIKODE DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES LTD., BADRADA, MUSEUM ROAD, THRISSUR.

2. THE SPECIAL DEPUTY TAHSILDAR (R.R), K.S.F.E., LTD., KALLAI ROAD, KOZHIKODE 673 002.

3. THE MANAGER, KERALA STATE FINANCIAL ENTERPRISES LTD., MAIN BRANCH, PALAYAM ROAD, KOZHIKODE.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO.26627 OF 2007

Dated this the 10th day of September, 2007

JUDGMENT

Petitioner after receiving prize money for the chitty committed default in future subscriptions. Therefore entire future instalments are sought to be recovered in lump against which this W.P. is filed. Standing counsel for KSFE submitted that arrears have run into 22 instalments. Petitioner has a grievance that payment of prize money was inordinately delayed. I do not think petitioner should complain about the delay in release of prize money now when recovery is initiated for arrears of subscriptions. If petitioner had grievance petitioner should have come to this Court earlier. In any case since chitty will terminate some time in June, 2009, I feel petitioner can be given the facility to pay future subscriptions on due date provided arrears of subscriptions that have fallen due as of now together with interest are paid along with regular subscriptions from this month onwards in ten equal monthly instalments. W.P. is disposed of directing respondents to withhold all recovery proceedings for payment

of arrears of subscriptions with interest along with regular subscriptions from this month onwards. If due date for payment for this month is over, then petitioner is given time upto 30.9.2007 to pay the instalment due for this month. From next month onwards, petitioner will pay arrear instalment along with regular subscription on the due date on which the subscription is otherwise payable. There will be direction to third respondent to give copy of detailed accounts to the petitioner within one week from the date of production of a copy of this judgment showing the entire debits and credits in the petitioner's account and if any mistake is pointed out by the petitioner, he will carry out the correction.

(C.N.RAMACHANDRAN NAIR)
Judge